

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-301 GMS
)	
WAL-MART STORES INC.,)	
)	
Defendant.)	

ORDER


1. On July 28, 2004 the United States filed a motion requesting the court to approve and enter the consent decree negotiated between the parties to entirely resolve the matter of Wal-Mart's alleged violations of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1331. (D.I. 11.) On the same day, the United States also filed a memorandum in support of its motion. (D.I. 12.)
2. Subsequently, the court ordered the parties "to submit more comprehensive explanations, perhaps incorporating the opinion of outside experts, as to why this consent decree should be approved." (D.I. 14 ¶ 3.) In response, the Plaintiffs filed a comprehensive supplemental memorandum in support of its motion to enter the consent decree (D.I. 15), which was accompanied by a substantial number of exhibits (D.I. 16, 17). The Defendant expressly acknowledged its agreement with the substance of the supplemental memorandum. (D.I. 18.)
3. After reviewing the supplemental memorandum and exhibits, the court believes the consent decree is consistent with the multi-factor analysis laid out by the First Circuit in *United States v. Cannons Eng'g Corp.*, 899 F.2d 79 (1st Cir. 1990), which has been adopted by the Third Circuit. *See, e.g., United States v. SEPTA*, 235 F.3d 817 (3d Cir. 2000); *In re Tutu*

Water Wells CERCLA Litigation, 326 F.3d 201 (3d Cir. 2003). Therefore, the court will grant the Plaintiffs' motion. (D.I. 11.)

IT IS HEREBY ORDERED THAT:

The Plaintiffs' motion to enter consent decree (D.I. 11) be GRANTED.

Dated: September 22, 2005


UNITED STATES DISTRICT JUDGE